



SUSANA MARTINEZ  
Governor

JOHN A. SANCHEZ  
Lieutenant Governor

## NEW MEXICO ENVIRONMENT DEPARTMENT

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Phone (505) 827-0187 Fax (505) 827-0160  
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BUTCH TONGATE  
Cabinet Secretary

J.C. BORREGO  
Deputy Secretary

**Certified Mail - Return Receipt Requested**

August 24, 2017

Mr. Ed Burckle, Cabinet Secretary  
New Mexico General Services Department / Facilities Management  
615 Alta Vista Street  
Santa Fe, New Mexico 8755

**Re: New Mexico State Police District 7 Headquarters; Construction General Permit (CGP);  
NMU001941; SIC 1592; August 9, 2017**

Dear Mr. Burckle:

Enclosed please find a copy of the report for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with requirements of the federal Clean Water Act.

You are encouraged to review the inspection report, required to correct any problems noted during the inspection, and advised to modify your operational and/or administrative procedures, as appropriate. If you have comments on or concerns with the basis for the findings in the NMED inspection report, please contact us (see the address below) in writing within 30 days from the date of this letter. Further you are encouraged to notify in writing both the USEPA and NMED regarding modifications and compliance schedules at the addresses below:

Robert Houston  
US Environmental Protection Agency, Region VI  
Enforcement Branch (6EN-WM)  
Fountain Place  
1445 Ross Avenue  
Dallas, Texas 75202-2733

Sarah Holcomb  
New Mexico Environment Department  
Surface Water Quality Bureau  
Point Source Regulation Section  
P.O. Box 5469  
Santa Fe, New Mexico 87502

Mr. Ed Burckle / NM GSD

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August 24, 2017

If you have any questions about this inspection report, please contact Sandra Gabaldon at (505) 827-1041 or at [sandra.gabaldon@state.nm.us](mailto:sandra.gabaldon@state.nm.us).

Sincerely,

Shelly Lemon, Bureau Chief  
Surface Water Quality Bureau  
New Mexico Environment Department

cc: Robert Houston, USEPA (6EN) by email  
Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail  
Gladys Gooden-Jackson, USEPA (6EN-WC) by e-mail  
Darlene Whitten-Hill, USEPA (6EN-WC) by e-mail  
NMED District II, Robert Italiano, Manager, by e-mail



Form Approved  
OMB No. 2040-0003  
Approval Expires 7-31-85

## NPDES Compliance Inspection Report

### Section A: National Data System Coding

Transaction Code	NPDES	yr/mo/day	Inspec. Type	Inspector	Fac Type
1 <input type="text" value="N"/> 2 <input type="text" value="5"/> 3 <input type="text" value="N"/> <input type="text" value="M"/> <input type="text" value="U"/> 0 <input type="text" value="0"/> 1 <input type="text" value="1"/> 9 <input type="text" value="4"/> 1 <input type="text" value="1"/>	1 <input type="text" value="1"/> 7 <input type="text" value="0"/> 8 <input type="text" value="0"/> 9 <input type="text" value="9"/>	18 <input text"="" type="text" value="S"/> 20 <input type="text" value="2"/>			
<input type="text" value="C"/> <input type="text" value="O"/> <input type="text" value="N"/> <input type="text" value="S"/> <input type="text" value="T"/> <input type="text" value="R"/> <input type="text" value="U"/> <input type="text" value="C"/> <input type="text" value="T"/> <input type="text" value="I"/> <input type="text" value="O"/> <input type="text" value="N"/> <input type="text" value="1"/> <input type="text" value="A"/> <input type="text" value="C"/> <input type="text" value="R"/> <input type="text" value="E"/>					
Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved	
67 <input type="text" value="1"/> 69	70 <input type="text" value="1"/>	71 <input type="text" value="N"/>	72 <input type="text" value="N"/>	73 <input type="text" value="1"/>	74 <input type="text" value="1"/> 75 <input type="text" value="1"/> 80

### Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number) New Mexico State Police Headquarters, District 7 1410 North Onate Street Española, New Mexico 87532	Entry Time /Date 1030 Hours / August 9, 2017	Permit Effective Date February 16, 2017
	Exit Time/Date 1210 Hours / August 9, 2017	Permit Expiration Date February 16, 2022
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Robert Sanchez, Owner / Vice President / (505) 927-2027 R & M Construction Post Office Box 1026 Alcalde, NM 87511	Other Facility Data LAT: 36°00'37.40" N LONG: -106°5'21.79" W SIC: 1542	
Name, Address of Responsible Official/Title/Phone and Fax Number State of New Mexico General Services Department / Facilities Management Ed Burckle, Cabinet Secretary Kevin Patterson, Project Manager / kevin.patterson@state.nm.us 715 Alta Vista Santa Fe, New Mexico 87505	Contacted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

### Section C: Areas Evaluated During Inspection (S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

<input type="text" value="U"/> Permit	<input type="text" value="N"/> Flow Measurement	<input type="text" value="N"/> Operations & Maintenance	<input type="text" value="N"/> CSO/SSO
<input type="text" value="U"/> Records/Reports	<input type="text" value="N"/> Self-Monitoring Program	<input type="text" value="N"/> Sludge Handling/Disposal	<input type="text" value="N"/> Pollution Prevention
<input type="text" value="M"/> Facility Site Review	<input type="text" value="N"/> Compliance Schedules	<input type="text" value="N"/> Pretreatment	<input type="text" value="N"/> Multimedia
<input type="text" value="N"/> Effluent/Receiving Waters	<input type="text" value="N"/> Laboratory	<input type="text" value="U"/> Storm Water	<input type="text" value=""/> Other:

### Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

New Mexico General Services Department, Facilities Management, did not have permit coverage at the time of the inspection.

Please see further explanations for details.

Name(s) and Signature(s) of Inspector(s) Sandra Gabaldon	Agency/Office/Telephone/Fax NMED/SWQB/(505) 827-1041/(505) 827-0160	Date August 22, 2017
Signature of Management QA Reviewer Sarah Holcomb, Program Manager	Agency/Office/Phone and Fax Numbers NMED/SWQB/(505) 827-2798/(505) 827-0160	Date August 22, 2017

**New Mexico General Services Department**  
**Project: NEW MEXICO STATE POLICE, DISTRICT 7 HEADQUARTERS**  
**NPDES Compliance Evaluation Inspection**  
**NPDES Permit NMU001941**  
**Inspection Date: August 9, 2017**

## **Introduction**

On August 9, 2017, a Compliance Evaluation Inspection (CEI) was conducted at a  $\geq 1$  acre disturbed area at 1401 Paseo de Onate, Rio Arriba County, City of Espanola.

The inspectors, Sandra Gabaldon and Daniel Valenta, met with Robert Sanchez, Vice-President, R & M Construction, at the property. Ms. Gabaldon provided her credentials and explained the purpose of the inspection.

The purpose of this inspection was to document the facility's status regarding the NPDES storm water permit program and storm water regulations at **40 Code of Federal Regulations Part 122.26**. This report is based on a review of the EPA electronic notice of intent (eNOI) database (e-enterprise.gov), on-site observation by NMED personnel, and verbal information provided by the Mr. Sanchez.

## **Findings**

New Mexico General Services Department (Owner), failed to file an Electronic Notice of Intent (eNOI) under the 2017 Construction General Permit (CGP). The New Mexico General Services Department failed to sign the Stormwater Pollution Prevention Plan (SWPPP), which was provided by R & M Construction to NMED at the time of the inspection.

The first site inspection by 814 Solutions (sub-contractor), after construction began, was completed on February 14, 2017 by Mr. Kraig Max, Environmental Compliance Manager. This site appears to have been active for approximately six months without a permit. Inspections, provided in the SWPPP, indicate that there was a precipitation event that occurred on May 1, 2017, with an accumulation of .58" of rain. There was not an inspection done 24-hours following this event, as required by the permit. The next inspection was dated May 9, 2017 (see photo #13).

On August 10, 2017, Ms. Gabaldon contacted Mr. Kevin Patterson, Project Manager, for the State of New Mexico General Services Department (owner). Ms. Gabaldon left a voice mail and Mr. Patterson returned the telephone call the same day. Mr. Patterson asked if Ms. Gabaldon could provide an email with requested information. Follow-up e-mail was sent to Mr. Patterson on August 11, 2017. Another e-mail was sent on August 14, 2017. Mr. Patterson met with Sandra Gabaldon and Daniel Valenta at the NMED, Surface Water Quality Bureau Conference room on August 16, 2017 at 1:30 PM. Discussion regarding this inspection was conducted. Mr. Patterson



stated an eNOI would be submitted as soon as possible. Ms. Gabaldon checked the US EPA database on August 22, 2017, and no eNOI has been submitted as yet.

**Regulations:**

*Section 301 (a) of the Federal Water Pollution Control Act states that “Except as in compliance with this section and sections 302, 306, 307, 318, 402 and 404 of this Act, the discharge of any pollutant by any person shall be unlawful.”*

*Per 40 CFR Part 122.26, storm water discharges associated with construction activity are required to obtain coverage under an NPDES permit. “Construction activities including clearing, grading, and excavating that result in [land](#) disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total [land](#) area that is part of a larger common [plan](#) of development or sale if the larger common [plan](#) will ultimately disturb equal to or greater than one and less than five acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the [facility](#).”*

*40 Code of Federal Regulations Part 122.21(a) Duty to apply (1) states “Any person who discharges or proposes to discharge pollutants ...must submit a complete application to the Director in accordance with this section and part 124 of this chapter.”*

Activities at this site may create, and may continue to create, significant potential sources of storm water contaminants such as Total Suspended Solids, Total Dissolved Solids, turbidity, and other pollutants. If not properly managed or treated in accordance with an NPDES permit, these activities represent a significant potential threat to water quality through storm water discharges.

NMED/SWQB  
OFFICIAL PHOTO LOG  
PHOTO #1

Photographer: Daniel Valenta	Date: August 9, 2017	Time: 1046 Hours
City/County: Espanola/Rio Arriba		
Location: New Mexico State Police District 7 Headquarters		
Subject: One of two entrances on site. (southeast side)		



NMED/SWQB  
OFFICIAL PHOTO LOG  
PHOTO #2

Photographer: Daniel Valenta	Date: August 9, 2017	Time: 1046 Hours
City/County: Espanola/Rio Arriba		
Location: New Mexico State Police District 7 Headquarters		
Subject: One of two entrances on site. (southwest entrance) Part 2.2.4/Permit Requirements: Use appropriate stabilization techniques (e.g., use of aggregate stone with an underlying geotextile or non-woven filter fabric, and turf mats) at <b>all points that exit onto paved roads.</b>		





NMED/SWQB  
OFFICIAL PHOTO LOG  
PHOTO #3

Photographer: Daniel Valenta	Date: August 9, 2017	Time: 1046 Hours
City/County: Espanola/Rio Arriba		
Location: New Mexico State Police District 7 Headquarters		
Subject: One of two entrances on site. (southwest entrance) Part 2.2.4/Permit Requirements: Use appropriate stabilization techniques (e.g., use of aggregate stone with an underlying geotextile or non-woven filter fabric, and turf mats) at <b>all points that exit onto paved roads.</b>		



NMED/SWQB  
OFFICIAL PHOTO LOG  
PHOTO #4

Photographer: Daniel Valenta	Date: August 9, 2017	Time: 1046 Hours
City/County: Espanola/Rio Arriba		
Location: New Mexico State Police District 7 Headquarters		
Subject: Page 5 of SWPPP – SWPPP Owner (operational control of construction / Contractor (day to day activities at site) listed.		

Storm Water Pollutant Prevention Plan (SWPPP)  
NM State Police District 7 Headquarters

### 1.2 SWPPP Objectives

The SWPPP has four main objectives:

- Identify potential sources of pollution that may reasonably be expected to affect the quality of storm water discharges from the construction site.
- Identify, describe and ensure implementation of BMPs that will be used to reduce the amount of pollutants in storm water discharges to the extent practicable from the construction site.
- Assure compliance with the terms and conditions of the Permit.
- Identify the responsible party or parties for on-site SWPPP implementation.

### 1.3 Identification of Operators and SWPPP Authority

The EPA Construction General Permit (CGP) requires identification of all Operators for the project site and the areas over which each operator has control per Part 7.2 of the CGP. Additionally this SWPPP shall identify the party responsible for on-site SWPPP implementation. This section provides the appropriate information meeting these requirements.

#### 1.3.1 SWPPP Operators

##### 1.3.1.1 The Operator who has operational control over construction plans and specification (Part 1.1.a) for this project is listed below:

Operator: State of New Mexico GSD Contact: Ian Schultz  
Address: 715 Alta Vista  
City, St & ZIP: Albuquerque, NM 87113 Phone: 505-819-8963  
Permit #: \_\_\_\_\_ E-mail: \_\_\_\_\_

State of New Mexico GSD must ensure the project specifications meet the minimum requirements of the NPDES General Permit and all other applicable permit conditions; ensure the SWPPP documentation indicates the areas of the project where New Mexico Environmental Department has control over said specifications and the ability to make modifications in the specifications; ensure all other permittees (or Operators) implementing portions of this SWPPP (or their own SWPPP) who may be impacted by a change to the construction plan are notified of such changes in a timely manner; ensure this SWPPP identifies the party or parties with control over day-to-day activities necessary to ensure compliance with the SWPPP or other permit conditions.

##### 1.3.1.2 The Operator who has control over day-to-day activities (Part 1.1.a of the CGP) for this project is listed below:

Operator: R&M Construction LLC Contact: Robert Sanchez  
Address: Highway 285, County Road 1037

814 Solutions, LLC.  
NM State Police District 7 HQ SWPPP Book

Section 2  
Page 5



NMED/SWQB  
OFFICIAL PHOTO LOG  
PHOTO #5

Photographer: Daniel Valenta	Date: August 9, 2017	Time: 1046 Hours
City/County: Espanola/Rio Arriba		
Location: New Mexico State Police District 7 Headquarters		
Subject: North side of property looking west. Created spillway with curbing in place.		





NMED/SWQB  
OFFICIAL PHOTO LOG  
PHOTO #6

Photographer: Daniel Valenta	Date: August 9, 2017	Time: 1138 Hours
City/County: Espanola/Rio Arriba		
Location: New Mexico State Police District 7 Headquarters		
Subject: North side of property looking north. Created spillway with curbing cutout for drainage purposes.		



NMED/SWQB  
OFFICIAL PHOTO LOG  
PHOTO #7

Photographer: Daniel Valenta	Date: August 9, 2017	Time: 1140 Hours
City/County: Espanola/Rio Arriba		
Location: New Mexico State Police District 7 Headquarters		
Subject: West side of property.		





NMED/SWQB  
OFFICIAL PHOTO LOG  
PHOTO #7

Photographer: Daniel Valenta	Date: August 9, 2017	Time: 1140 Hours
City/County: Espanola/Rio Arriba		
Location: New Mexico State Police District 7 Headquarters		
Subject: West side of property		



NMED/SWQB  
OFFICIAL PHOTO LOG  
PHOTO #8

Photographer: Daniel Valenta	Date: August 9, 2017	Time: 1141 Hours
City/County: Espanola/Rio Arriba		
Location: New Mexico State Police District 7 Headquarters		
Subject: West side of property		





NMED/SWQB  
OFFICIAL PHOTO LOG  
PHOTO #8

Photographer: Daniel Valenta	Date: August 9, 2017	Time: 1141 Hours
City/County: Espanola/Rio Arriba		
Location: New Mexico State Police District 7 Headquarters		
Subject: West side of property		



NMED/SWQB  
OFFICIAL PHOTO LOG  
PHOTO #9

Photographer: Daniel Valenta	Date: August 9, 2017	Time: 1138 Hours
City/County: Espanola/Rio Arriba		
Location: New Mexico State Police District 7 Headquarters		
Subject: Concrete washout container.		





NMED/SWQB  
OFFICIAL PHOTO LOG  
PHOTO #10

Photographer: Daniel Valenta	Date: August 9, 2017	Time: 1143 Hours
City/County: Espanola/Rio Arriba		
Location: New Mexico State Police District 7 Headquarters		
Subject: Temporary Cement Plant west side of property / Part 2.3.4: Applicator and Container Washing Requirements: Direct washwater into a leak-proof container or leak-proof and lined pit designed so that no overflows can occur due to inadequate sizing.		



NMED/SWQB  
OFFICIAL PHOTO LOG  
PHOTO #11

Photographer: Daniel Valenta	Date: August 9, 2017	Time: 1143 Hours
City/County: Espanola/Rio Arriba		
Location: New Mexico State Police District 7 Headquarters		
Subject: Temporary Cement Plant west side of property / Part 2.3.4: Applicator and Container Washing Requirements: Direct washwater into a leak-proof container or leak-proof and lined pit designed so that no overflows can occur due to inadequate sizing.		



NMED/SWQB  
OFFICIAL PHOTO LOG  
PHOTO #12

Photographer: Daniel Valenta	Date: August 9, 2017	Time: 1137 Hours
City/County: Espanola/Rio Arriba		
Location: New Mexico State Police District 7 Headquarters		
Subject: Construction/Domestic trash dumpster / Part 2.3.3.e Requirements: For construction and domestic waste: Provide waste containers (e.g., dumpster, trash receptacle) of sufficient size and number. Keep waste container <b>lids closed</b> when not in use and close lids <b>at the end of the business day</b> for those containers that are actively used throughout the day.		





NMED/SWQB  
OFFICIAL PHOTO LOG  
PHOTO #13

Photographer: Daniel Valenta	Date: August 9, 2017	Time: 1132 Hours
City/County: Espanola/Rio Arriba		
Location: New Mexico State Police District 7 Headquarters		
Subject: Inspection report. Part 4.2 of Permit Requires: Inspect <b>within 24 hours</b> of the occurrence of a storm event of 0.25 inches or greater. (Rain event on May 1, 2017 of .58")		



A-501

[illegible][illegible]

TESCP

1 CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT  
SUPERVISED IN ACCORDANCE WITH A SYSTEM DESIGNED  
GATHERED, AND EVALUATED THE INFORMATION REPORTED  
SYSTEM OR THE PERSONS EMPLOYED RESPONSIBLE FOR A  
OF MY KNOWLEDGE AND BELIEF, TRUE, ACCURATE, AND  
SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBLE

*Aug 31/14*

SUBSCRIBER OF INSURANCE